

EXTENSIONS OF REMARKS

TO AMEND THE HIGHER EDUCATION ACT OF 1965 TO ESTABLISH A SCHOLARSHIP PROGRAM TO RECOGNIZE SCHOLAR ATHLETES, AND FOR OTHER PURPOSES

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. LEACH. Mr. Speaker, Title IX, the Federal law passed 30 years ago to mandate equality of opportunity for women in intercollegiate athletics, is today a subject for deserved celebration on what it has done for women and understandable dismay for its unintended consequences for certain men's programs.

The challenge from a Federal policy perspective is to strengthen the good Title IX has wrought, while eliminating its negative consequences.

The good is obvious. Many more women have been given a chance to participate in intercollegiate athletics. But making progress is not the same thing as achieving full equality or advancing adequate opportunity. Nor is obtaining opportunity at the expense of eliminating it for others as positive a social goal as could otherwise be the case.

The problem is the distinction in goals of achieving equality and providing opportunity. Simplistically, an institution of higher education can offer no athletic options or, for instance, two women's and two men's teams and be in compliance with Title IX. Hence, in an abstract setting, a school that might offer 12 men's and six women's teams might be considered Title IX compliant if it eliminated six men's programs or if it eliminated three men's and added three women's programs. Instead of adding and subtracting, there would be greater opportunity for women as well as men if such a school opted to achieve equality with addition alone, by offering 12 women's as well as 12 men's programs.

Title IX is insufficiently progressive if it is implemented with a subtraction mind-set. It matters where the bar is placed. The lower the sports offerings for men, the less opportunity provided women. In architecture "less" might in some cases be "more," but when individual opportunity is at issue, "more" is better.

Title IX is not just a doctrine of equality, but of equal opportunity.

The underlying dilemma with Title IX enforcement is that it has, to date, underemphasized the opportunity quotient implicit in the law. The goal should be equality with increased opportunity.

Just as the egalitarian nature of Title IX should be understood as a call for new sports openings for women, the opportunity basis of the law requires upgrading and reemphasizing participation in sports in the education process.

There is a trend at colleges and universities that the principal sports experience for students is "going to" rather than "participating

in" intercollegiate athletics. What is needed is a new participation ethic in sports.

Athletic Departments are not the same thing as History Departments but they share in common the goal of developing the judgment and character of the individual student. Like band and orchestra and debate, sports teams should be seen as student-centered, not profit-driven.

Unfortunately, Title IX has been used by many athletic departments as an excuse to cut sports programs when it should be used to upgrade the role of sports. For one who appreciates what Title IX has started to do for women, yet is dismayed for the loss of so many wrestling, gymnastic, swimming and other men's programs, the question is what, if anything, the Federal government should do.

One option would be to mandate colleges and universities to offer particular programs, but such an approach has the obvious problem of intruding on institutional decisionmaking in potentially inappropriate ways. While Title IX may be considered an intrusion by some, its egalitarian character and purpose is socially compelling. The question that remains is how, from a governmental perspective, to put a greater emphasis on the opportunity side of the Title IX equation.

My recommendation is 3-fold: (a) Federal and State officials and college administrators should use their positions to call for a greater emphasis on participation in sports in the education experience; (b) Federal guidelines should encourage colleges and universities to meet the Title IX egalitarian premises by adding women's teams without subtracting men's; (c) a new Federal scholar/athletic scholarship program should be established to incentivize colleges and universities to offer greater athletic options.

With regard to the third recommendation, I am today introducing legislation titled the "J. Dennis Hastert Scholar Athlete Act of 2002." The act calls for the creation of Hastert athletic scholarships to be granted at the State level to men and women on an equal basis. Qualification criteria would include an emphasis on sports that are part of the Olympic Games or are not significant revenue generators at particular institutions.

Sports participation helps build character, initiative, and leadership. This is totally independent of the growing assumption in colleges and universities that athletic departments must be profitable or at least not too expensive. It is, of course, a plus if an athletic department can be self-sufficient, but this should not be an overriding consideration. Indeed, it is remarkable how some of our larger universities which are at the forefront of competitive quality in revenue generating sports often offer far fewer athletic options than smaller colleges and universities which are not driven by a ticket sale mentality.

Some see the current emphasis on football to be a significant problem. To be fair, football is expensive, but at Division I schools it can often pay its own way and offset losses elsewhere in athletic budgets. In smaller colleges

and universities football is no different than other sports. Its revenues frequently cannot match costs. Indeed, to their credit, six universities in the East offer two full football programs, with one requiring that all participants weigh under a given amount. As a former participant in three college sports where fans often numbered less than team members, I have always been appreciative of administrators who understood that what matters most is love of the sport, not its cost.

Wrestling is a classic. Gyms are seldom packed. Fans are appreciated, but those of us who made that walk with butterflies to the center of the mat and stared at an opponent whose arms looked thicker than tree trunks, understood that we wrestled for the competitive challenge and nothing else. Colleges and universities should support sports like wrestling and at the same time press to add women's sports as diverse as basketball, swimming, field hockey, volleyball, softball, soccer, crew, lacrosse, fencing, hockey, tennis, cross country, archery, track and field, golf, water polo and squash. What matters is growth of the individual: the character sport builds, not the remuneration it receives at the gate.

I speak personally to this issue because in the end sport is about the sum effect on individuals of the values it imparts—both team discipline and self-reliance.

The enemy of opportunity for those interested in participation in low revenue generating sports is neither football nor Title IX's call for gender equality. It is the assumption in too many places that sports are to be encouraged only if they are financially self-sufficient. But from a school's perspective, athletic teams should not be considered burdens. They provide a unique means of advertising the attributes, indeed the existence, of many institutions and a positive way of attracting students in a competitive education environment. It is in this context that the Hastert Scholarship program is proposed as a positive for schools, for students, and for the best of America's athletic ethic.

In a tight budget circumstance where it is tempting for colleges to meet Federal gender equality guidelines with a smaller number of teams, the question is whether the government should step in and incentivize sports participation while maintaining the mandate of equal opportunity.

My answer is yes.

Title IX should be about building up without tearing down.

HONORING DR. JOSEPH E. SABOL

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Dr. Joseph E. Sabol on the occasion of his retirement from California Polytechnic State University, in San Luis Obispo,

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